

PL II

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

9688

FILE: B-191912

DATE: April 5, 1979

MATTER OF: James H. Hogan ^{(CLAIM for} Relocation Expenses]

DIGEST: After employee was informed that he had been selected for a transfer, he signed required service agreement, but he moved his dependents before his formal travel orders were issued. Employee may be reimbursed for all appropriate relocation expenses incurred after date he signed service agreement since the facts presented demonstrate requisite administrative intent to transfer employee.

AGC00488

This matter is in response to a request for an advance decision submitted by Mr. Paul L. Allison, Director, Finance Division, Region ~~4~~ 4, General Services Administration (GSA), concerning the authority for reimbursing Mr. James H. Hogan for expenses incurred incident to his permanent change of duty station.

Mr. Hogan, an employee of the Federal Protective Service ^{DCG01405} Division of GSA, was stationed at Pensacola, Florida. He applied for and received a transfer from that duty station to Tallahassee, Florida. It is not entirely clear when Mr. Hogan was first advised that he would be transferred, but the record indicates that he signed the required service agreement on June 9, 1977, and the Standard Form 52, Request for Personnel Action (SF 52), was dated June 13, 1977. Mr. Hogan was advised by his superior, Captain Knowles, that, for planning purposes, he should use June 20, 1977, as the date for his transfer. He was also told that he should not make a physical move until his orders were approved.

Even though he had been specifically instructed not to move until he was told to, Mr. Hogan moved his family from Tallahassee to Pensacola on June 13, 1977. When GSA learned of the move, orders were issued placing Mr. Hogan in a temporary duty status at Tallahassee, with the actual travel order being issued on June 30, 1977. The GSA has declined to reimburse Mr. Hogan for all of his relocation expenses because some were incurred prior to the effective date of the transfer.

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The general rule in situations such as this is that:

"Reimbursement of expenses incurred in anticipation of a transfer has been authorized when it was shown that the travel order subsequently issued to the employee included authorization for the expenses on the basis of a previously existing administrative intention, clearly evident at the time the expenses were incurred by the employee, to transfer the employee's headquarters. * * * What constitutes a clear intention to transfer an employee depends on the circumstances in each case * * *."
48 Comp. Gen. 395, 396 (1968).

This rule has been followed consistently. See Matter of Jack L. Batton, B-190282, March 14, 1978; Matter of John J. Fischer, B-188366, January 6, 1978; and Matter of Stanley N. Hirsch, B-187045, August 3, 1977.

The case that is closest to Mr. Hogan's situation is Fischer. In that case, the claimant was orally advised that he had been selected for an appointment, subject to headquarters approval. After that advice, but prior to receiving written confirmation of his appointment and preparation of his travel orders, the claimant's dependents began their travel to his new duty station. We held that the oral advice evidenced the administrative intent to transfer the claimant and provided the basis for reimbursement of relocation expenses.

We believe that the same rationale applies here, even though Mr. Hogan's transfer may have been subject to approval at a higher level, the administrative intent to transfer Mr. Hogan was demonstrated by preparation of transfer approval documents and giving him a transfer date "for planning purposes."

While the facts of this case as they developed are not entirely clear, the agency had demonstrated an intent to transfer

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Mr. Hogan before he began his move and in fact transferred him. In the circumstances Mr. Hogan may be reimbursed for all appropriate relocation expenses which were incurred.


Deputy Comptroller General
of the United States